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12 Attorneys for Defendants
13 KAISER FOUNDATION HEALTH PLAN, INC.;
14 KAISER FOUNDATION HOSPITALS; and
15 THE PERMANENTE MEDICAL GROUP, INC.

16 UNITED STATES DISTRICT COURT
17
18 NORTHERN DISTRICT OF CALIFORNIA
19

20 LUNELL GAMBLE, and SHEILA KENNEDY,
21 on behalf of themselves as well as a class of
22 similarly situated individuals,

23 Plaintiffs,

24 vs.

25 KAISER FOUNDATION HEALTH PLAN,
26 INC.; KAISER FOUNDATION HOSPITALS,
27 INC.; and THE PERMANENTE MEDICAL
28 GROUP; all doing business as KAISER
PERMANENTE MEDICAL CARE
PROGRAM,

Defendants.

Case No. 17-cv-06621-YGR

**DECLARATION OF DEREK S.
SUMIMOTO IN SUPPORT OF
DEFENDANTS KAISER FOUNDATION
HEALTH PLAN, INC.; KAISER
FOUNDATION HOSPITALS; AND THE
PERMANENTE MEDICAL GROUP,
INC.'S RESPONSE TO PLAINTIFFS'
DISCOVERY CONFERENCE
STATEMENT**

Date: June 27, 2019
Time: 10:00 a.m.
Judge Hon. Thomas S. Hixson
Courtroom: A

1 I, Derek S. Sumimoto, declare:

2 1. I am a California resident and over the age of eighteen. I have personal knowledge
3 of the following facts and, if called upon to do so, I could and would testify competently thereto.

4 2. I make this Declaration in support of Defendants Kaiser Foundation Health Plan,
5 Inc., Kaiser Foundation Hospitals, and The Permanente Medical Group, Inc.'s (collectively,
6 "Defendants") Response To Plaintiffs' Discovery Conference Statement.

7 3. I am currently employed by Defendant Kaiser Foundation Health Plan, Inc.
8 ("KFHP") as a Director of Human Resources Compliance. I have been in this role since February
9 2019. Prior to my current role, I was employed by KFHP as a Senior Manager of Human
10 Resources Compliance beginning in February 2017. Prior to my role as a Senior Manager of
11 Human Resources Compliance, I was employed by KFHP as a Human Resources Compliance
12 Manager (Affirmative Action Programs). My responsibilities in both my current and former roles
13 include and have included, among other things, facilitating Defendants' compliance with
14 affirmative action-related regulatory requirements under federal law. I have had such
15 compliance-related responsibilities for a number of years, including throughout the time period
16 2011 to present.

17 4. In my current and former roles at KFHP, I periodically have been required to
18 review information contained in Defendants' employment history personnel databases, including
19 databases that record events at or about the time they occur and that is maintained by or on behalf
20 of Defendants, collectively, in the regular course of their business, in an Oracle PeopleSoft
21 software environment. I am familiar with and generally knowledgeable about the format,
22 structure and meaning of this PeopleSoft personnel data. I have reviewed PeopleSoft data that I
23 regularly receive on a quarterly basis in preparation of the statements in my declaration below,
24 including a quarterly report of data that I received on or about April 3, 2019. Except as otherwise
25 noted, my statements in the following paragraphs of this declaration are based on what is
26 recorded in the PeopleSoft data as of on or about April 3, 2019.

27 5. *Northern California Region Employees:* As of early April 2019, Defendants,
28 collectively, employed approximately 79,220 individuals in the Northern California Region. Of

1 these approximately 79,220 employees, approximately 15,244 were in non-union positions and
 2 63,976 were in union positions. On June 13, 2019, I sent an email request to Hilary Reeve, a
 3 Business Analyst-Specialist who is employed by KFHP and has access to current and historical
 4 PeopleSoft personnel data. In my email, I requested that Ms. Reeve provide me with a count of
 5 all persons who, according to the PeopleSoft personnel data, at any time since July 11, 2011, ever
 6 were employed by TPMG, KFH or KFHP and assigned (per the data) to the Northern California
 7 (“NCAL”) Region. Between July 11, 2011 and the present, Defendants, collectively, employed
 8 approximately 117,311 such individuals within the Northern California Region. See Exhibit A
 9 (reflecting my June 13, 2019 email exchange with Ms. Reeve).

10 6. *Northern California Region Jobs/Job Codes:* As of early April 2019, Defendants,
 11 collectively, employed individuals who were classified in approximately 1,597 different unique
 12 job codes utilized by Defendants for employees assigned to the Northern California Region.
 13 Examples of jobs/ job codes include Director Public Relations (982009), Accountant (911042),
 14 Physician Assistant (950007), Neuropsychologist (963024), Truck Driver (072102), and Claims
 15 Processor (051222), to name just a few. Of these approximately 1,597 unique job codes,
 16 approximately 591 were coded as union positions and 1,006 were coded as non-union positions.
 17 The represented positions span eight different unions.

18 7. *Northern California Region Job Families:* As of early April 2019, Defendants,
 19 collectively, assigned their unique job codes (and corresponding job titles) active within the
 20 Northern California Region to 34 different job families. Defendants have assigned their unique
 21 job codes to a similar number of job families since July 2011. The currently utilized 34 job
 22 families include the following:

23 Accounting/Finance

24 Administrative Support

25 Behavioral Health Care Svcs

26 Communication Arts & Production

27 Compliance/Privacy/Regulatory

28 Construction & Real Estate

- 1 Consulting Services
- 2 Continuing Care
- 3 Data Analytics
- 4 Dental
- 5 Education/Training
- 6 External Affairs/Relations
- 7 External Medical Services
- 8 Facilities Services
- 9 Health Care Operations
- 10 Human Resources
- 11 Information Technology
- 12 Insurance
- 13 Laboratory
- 14 Legal
- 15 Library Sciences
- 16 Materials Management
- 17 Medical Records
- 18 Member/Customer Service
- 19 Nursing (Licensed)
- 20 Nutrition/Food Services
- 21 Patient Care Srvs (Non-Nurse)
- 22 Pharmaceutical Services
- 23 Physician
- 24 QA/UR/Case Management
- 25 Radiology/Imaging Services
- 26 Rehabilitative/Alternative Med
- 27 Research & Development
- 28 Sales & Marketing

1 8. *Northern California Region Manager Levels:* As of early April 2019, Defendants,
2 collectively, assigned their unique job codes (and corresponding job titles) active within the
3 Northern California Region to 21 different Manager Level designations. The 21 Manager Level
4 designations include the following:

5 Director

6 SrProfl

7 InterProfl

8 EntryProf

9 SrTech

10 InterTech

11 Entry

12 Manager

13 IC2

14 IC3

15 IC4

16 IC5

17 IC6

18 1st Ln Mgr

19 Mgr1

20 Mgr2

21 Mgr3

22 Supervisor

23 Dir1

24 Dir2

25 ExptProfl

26 9. *Northern California Region Managers/Supervisors and Above:* As of early April
27 2019, Defendants, collectively, employed approximately 5,940 individuals assigned to the
28 Northern California Region in the following Manager Levels (all non-union employees):

1 1st Ln Mgr

2 Dir1

3 Dir2

4 Director

5 Manager

6 Mgr1

7 Mgr2

8 Mgr3

9 Supervisor

10 The great majority of these 5,900-plus individuals were (and/or still are) in positions in which
11 they had (and/or still have) authority to recommend or render final approval of personnel
12 decisions, including those concerning selections for promotion and termination, among others.

13 10. *Northern California Region Locations:* As of early April 2019, Defendants,
14 collectively, assigned employees within the Northern California Region to approximately 400
15 distinctly-titled physical work locations. Examples of such physical work locations include
16 “Modesto Medical Center,” “Sacramento Hospital,” “Generator Building,” “Biomedical
17 Engineering,” and “Daly City Psychiatry,” to name just a few.

18 11. *Northern California Region Departments:* As of early April 2019, Defendants,
19 collectively, assigned employees within the Northern California Region to approximately 840
20 different unique departments/department IDs. Examples include the following:

<u>Department ID</u>	<u>Department</u>
9130	Accounts Payable
1509	Head and Neck-Audiology
0856	Mammography
6847	Financial Planning & Analysis
4532	Food Preparation
6616	Parking Operations

26 12. *Northern California Region Affirmative Action Plans:* Since at least 2006, I have
27 been responsible for helping to prepare or direct the preparation of Defendants’ annual
28

1 affirmative action plans (or AAPs). The number of plan establishments that each Defendant has
2 had for establishments assigned to the Northern California Region, and therefore the number of
3 individual AAPs by Defendant by year, has varied year to year. For the current 2019 plan year,
4 approximately 168 AAPs were prepared for Defendants' establishments assigned to the Northern
5 California Region. Since 2011, approximately 930 different AAPs were prepared for Defendants'
6 establishments assigned to the Northern California Region.

7 I declare under penalty of perjury under the law of the State of California and the United
8 States of America that the foregoing declaration is true and correct.

9 Executed this 17 day of June, 2019, at Sacramento, California.

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11 

12 DEREK S. SUMIMOTO
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Exhibit A

From: Hilary A Reeve
Sent: Thursday, June 13, 2019 1:30 PM
To: Derek S Sumimoto <Derek.S.Sumimoto@kp.org>
Subject: RE: Data Request: NCAL Region Counts

Hi Derek - the count of distinct persons employed by the NCAL region since 7/11/2011 (under KFH, KHP or TPMG; Union or Non-Union) is currently 117,311.

Best regards,
Hilary

Upcoming PTO: 7/1 – 7/4

Hilary Reeve
Business Analyst – Specialist

Kaiser Permanente
HR > Workforce Information Services
303-519-2445
hilary.a.reeve@kp.org

kp.org/thrive

For HR report requests, complete the [WIS Intake Form](#).

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From: Derek S Sumimoto
Sent: Thursday, June 13, 2019 1:27 PM
To: Hilary A Reeve <Hilary.A.Reeve@kp.org>
Subject: Data Request: NCAL Region Counts

Hi Hilary,

Could you please send me a count of all persons who, according to the PeopleSoft personnel data, at any time since July 11, 2011 ever were employed by TPMG, KFH or KFHP and assigned (per the data) to the NCAL Region? I just need a total count of unique employees. Thanks very much!

Derek Sumimoto

Director

Kaiser Permanente

HR Risk Management
3240 Arden Way
Sacramento, CA 95825

(916) 486-5221 (office)
8-478-5221 (tie-line)
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